

**EXHIBIT 13**  
**Part 5 of 6**

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

## CONTINUATION SHEET: LIFE PRISONER : POSTCONVICTION PROGRESS REPORT

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
12/99 to 12/00			<p><b>PLACEMENT:</b> Remained at CTF-Central during this period.</p> <p><b>CUSTODY:</b> Medium A</p> <p><b>CLASSIFICATION SCORE:</b> Remained at 0 during this period.</p> <p><b>MEDICAL:</b> TB Alert Code 22 dated 5/25/00.</p> <p><b>ACADEMIC:</b> None during this period.</p> <p><b>WORK:</b> Vocational Education assignment during this period.</p> <p><b>VOCATION:</b> Assigned to the Vocational Print program during this period with satisfactory assessments and positive comments on CDC 128-E chronos dated 1/5/00, 4/6/00, 7/14/00 and 10/4/00.</p> <p><b>GROUP ACTIVITIES:</b> Participated in the NA Group at CTF-C during this period with attendance documentation provided by CDC 128-B chronos dated 2/10/00, 8/22/00, 9/28/00 and 12/26/00. Completed courses in the cause, prevention, treatment and management of tuberculosis (10/5/00), sexually transmitted disease (10/5/00), HIV/AIDS (10/6/00) and hepatitis (10/10/00).</p> <p><b>PSYCH TREATMENT:</b> None during this period.</p> <p><b>PRISON BEHAVIOR:</b> Remained disciplinary free during this period.</p>

## ORDER:

- |   |         |  |
|---|---------|--|
| <input type="checkbox"/> BPT date advanced by | months. | <input type="checkbox"/> BPT date affirmed without change. |
| <input type="checkbox"/> PBR date advanced by | months. | <input type="checkbox"/> PBR date affirmed without change. |

## SPECIAL CONDITIONS OF PAROLE:

- ☐ Previously imposed conditions affirmed.
- ☐ Add or modify

- ☒ Schedule for Progress Hearing on appropriate institutional calendar

HERNANDEZ, HECTOR

D33689

CTF-SOLEDAD

DEC/2001

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

## CONTINUATION SHEET: LIFE PRISONER : POSTCONVICTION PROGRESS REPORT

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
12/00 to Present (11/26/01)		X  X	<p><b>PLACEMENT:</b> Remained at CTF-Central during this period.</p> <p><b>CUSTODY:</b> Medium A</p> <p><b>CLASSIFICATION SCORE:</b> Remained at 0 during this period.</p> <p><b>MEDICAL:</b> TB Alert Code 22 dated 5/4/01.</p> <p><b>ACADEMIC:</b> None during this period.</p> <p><b>WORK:</b> Vocational Education assignment during this period.</p> <p><b>VOCATION:</b> Assigned to the Vocational Print program during this period with satisfactory assessments and positive comments on CDC 128-E chronos dated 12/31/00, 1/5/01, 3/31/01, 6/30/01 and 9/30/01.</p> <p><b>GROUP ACTIVITIES:</b> Participated in the NA Group at CTF-C during this period with attendance documentation provided by CDC 128-B chronos dated 4/27/01, 6/27/01, 10/01/01 and 10/10/01. Participated in administrative support and/or as an instructor in the Inmate Peer Education Program per CDC 128-B chronos dated 2/27/01, 2/28/01, 4/17/01, 4/23/01 and 9/18/01. Completed the thirteen-week IMPACT workshop per CDC 128-B dated 11/7/01.</p> <p><b>PSYCH TREATMENT:</b> None during this period.</p> <p><b>PRISON BEHAVIOR:</b> Remained disciplinary free during this period.</p>

## ORDER:

- ☐ BPT date advanced by \_\_\_\_\_ months.
 ☐ BPT date affirmed without change.
- ☐ PBR date advanced by \_\_\_\_\_ months.
 ☐ PBR date affirmed without change.

## SPECIAL CONDITIONS OF PAROLE:

- ☐ Previously imposed conditions affirmed.
- ☐ Add or modify
- ☐ Schedule for Progress Hearing on appropriate institutional calendar

HERNANDEZ, HECTOR

D33689

CTF-SOLEDAD

DEC/2001

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

**EXHIBIT "10"**

LIFE PRISONER EVALUATION REPORT  
SUBSEQUENT HEARING  
JULY 1999 CALENDAR

HERNANDEZ, HECTOR

D-33689

I. COMMITMENT FACTORS:

- A. LIFE CRIME: Murder 2nd (P187), Case # FRE336275-3 with use of a firearm (P12022.5). He was sentenced to 15 years to Life with a MEPD of 4/5/96. Victim: Silvestere Bustos, age unknown.

1. Summary of Crime: On 8/15/85 at approximately 3:56 a.m. Officer F. Lopez was dispatched to 2448 South Eleventh #4 Calwa, regarding an injured person. Upon arrival Officer Lopez met four Mexican males and one female standing outside the residence. Upon entering the living room of the residence, the officer observed a Mexican male subject lying on the floor with a large pool of blood under the chest and face area. The victim was pronounced dead at the scene. The victim was identified as Silvestere Odulio Bustos. Subsequent investigation determined that the victim had been shot at close range by a shotgun. The officers made contact with several witnesses to the crime, one of whom was Enrique Casias (a roommate of the victim). He testified that at 3:00 a.m. on 8/15/85 there was a knock on the door at which time he (Casias) observed Hernandez standing there. Hernandez asked Casias if he had some heroin then gave him \$20.00. Casias said he told Hernandez let me see if my friend has some, referring to victim Bustos. Casias was getting "pieces" from Bustos boots when Hernandez kicked open the door and entered the residence with a shotgun and stated "give me the gun and give me the "chiva," which means heroin. According to Casias, as soon as Hernandez said "Give me the gun" Hernandez shot Bustos. The Probation officer's Report (POR) indicates that several witnesses were interviewed and that their statements correlated with Casias' statement. They also relayed in part that Hernandez had been to the residence on numerous occasions to purchase drugs and one day prior to the incident, had been in an argument with the victim about money. Hernandez was convicted of the crime by jury trial on 5/13/86. This information was obtained from the POR pgs 2 and 3.
2. Prisoner's Version: Hernandez stated that it is still hard for him to try to understand what happened on the date of the offense. He said it's really tough on him to think about it. He said he knows nobody can understand the torment he has gone through. He stated he lives one day at a time and is extremely remorseful. He indicated he has tried to do everything possible to avoid being back in that position, by changing the type of people he is around, avoiding drugs and other negative influences. Hernandez stated what he did was wrong and he deserved the time he received. However, he went on to say that he wants his freedom, a good life, and the chance to help his children. Hernandez states that

he doesn't feel that keeping him locked up any longer will benefit him anymore nor does he feel if let out that he would be a risk to society.

B. AGGRAVATING/MITIGATING CIRCUMSTANCES

1. Aggravating Factors:

- a. Victim was particularly vulnerable due to the fact that he was lying down on a couch at the time of the crime.
- b. The inmate had a history of criminal behavior which his term is not being enhanced under Board of Prison Terms (BPT) Rule 2286.
- c. The inmate has engaged in other reliably documented criminal conduct which was an integral part of the crime for which they are currently committed.
- d. The inmate had a special relationship of trust with the victim in that he killed his own drug dealer.
- e. The inmate was on probation at the time the crime was committed.

2. Mitigating Factors: None

II. PRECONVICTION FACTORS

A. Juvenile Record:

07/31/70 Burglarized Doctors Office in Fresno, Removed \$80.00 cash Disposition:  
Placed on informal probation

10/05/70 Burglary- Entered a residence, removed 9 different types of weapons, a Polaroid camera, and a radio. Disp: Placed on probation without wardship until 5/23/71.  
Dismissed 5/19/71.

04/22/71 Burglary-"S" entered Mission Baptist Church and removed \$10.50 Disp. probation ordered; then released to parents.

09/23/71 Petty Theft "S" and accomplice stole \$190.00 from Luallen's 76 Service Station. Disp: Remain ward of the court, pay restitution, work program Sanger P.D.

06/29/72: Burglary Disp: Commit to Youth Center; detain Juvenile Hall pending transfer.

07/18/72: Defendant and accomplice were found inside the closed business of Padillas Market Disp: Remain ward of Court on probation. Commit to Youth Center suspended.

- 11/16/72 Burglary Disp: Comm. to Youth Center detain Juv. Hall pending transfer.
- 11/28/73 Burglary Disp: Remain ward of court. commit c.k. Wakefield School detain Juvenile Hall not to exceed 180 days.
- 11/06/74 Joyriding-Carry Conc. WPN Take vehicle w/o owners consent.F/A Disp: 12/03/74 Detained Juvenile Hall. Committed to CYA.
- 11/13/75 Armed Robbery Resisting Officer Disp: Count one dismissed; Def. Juv.
- 12/30/75 Armed Robbery, Asslt with Deadly WPN Disp: Recommit to CYA detained Juv Hall pend tx.
- 03/12/78 P245A Asslt w/DWPN Disp: P.D. Sanger 1 yr BP 364 days w/credit 57 days.
- 03/13/78 H & S Poss CS Heroin Poss Disp: CYA 03/14/79 Poss Cont Sub H & S 11350 Disp: CYA 12/17/79 paroled Discharged 2/16/82.

**B. Adult Convictions:**

- 01/10/80 Carrying a concealed weapon, carrying a loaded weapon, receiving stolen property Disp: no disposition
- 11/12/80 Burglary Disp: No Disp.
- 11/14/80 Burglary Disp: No Disp.
- 10/06/81 Harboring a Federal Fugitive Disp: Convicted sentenced to 358 days in a Federal Correctional Institute.
- 08/25/82 Sell or Transport marijuana Burglary, Transport /Sell a controlled substance Disp: All charges dismissed
- 10/26/84 Under Influence of a Controlled Substance Obstruct/Resist Arrest Disp: No Disp.

- C. Personal Factors:** Hernandez was born on 2/28/59 in Fresno, California to Guadalupe Hernandez and Dolores Mejia. The defendant was raised in Fresno County. He is one of eight children. His brother, Guadalupe Hernandez Jr. was also convicted of murder in an unrelated case. His brother is currently housed at the California State Prison, Corcoran. Hernandez completed the tenth grade at Sanger High School in 1975 and passed his General Education Development (GED) test on 5/4/92. He also indicated he completed vocational training in welding at Valley Technical and Trade School in Fresno. Hernandez married Janice Ramirez on 10/3/82 in San Bernardino. Four children were born to this union. The four children range in age from 12 to 17 years of age. The marriage is no longer intact. His work history consists of

agriculture related labor. He admitted being a daily user of heroin, using between twenty and forty dollars worth of heroin everyday. He also admitted to being a regular consumer of beer, as well as sniffing-glue and paint, and using PCP, LSD and cocaine occasionally. While Hernandez was initially incarcerated in the county jail, he was prescribed Synaquat. Hernandez has not received any psychiatric treatment or medication since coming into the California Department of Corrections.

### III. POSTCONVICTION FACTORS

- A. Custody History: 07/07/86 Received at California Medical Facility 10/07/87 Received at the Correctional Training Facility. 03/01/89 Received at the California Men's Colony 04/12/89 Received at the Correctional Training Facility. 04/22/93 Received at North Kern State Prison. 09/16/97 Received at the Correctional Training Facility.
- B. Work, Education, Vocation, Therapy & Self-Help Activities: Hernandez has had extensive experience working in textiles. He has also worked in the culinary boiler room and was assigned to academic education, as well as vocational mill and cabinet. He passed his General Education Development (GED) test on July 7, 1992. He has several certificates of completion for portions of the mill and cabinet program. He completed that program on 6/26/96. He has also regularly been attending Alcoholics and Narcotics Anonymous meetings throughout his incarceration. He also has a chrono indicating attendance for over a year attending the religious science. He completed a Literacy Thinking Life Skills self-help program in 1966, and the Mind Transformation self-help program in 1997.
- C. Disciplinary History: See attached Disciplinary Sheet.

### IV. FUTURE PLANS

- A. Residence: Hernandez stated he plans to live with his parents, Guadalupe and Lolita Hernandez at 842 Edgar, Sanger, California 93657 (559) 875-3482.
- B. Employment: Hernandez indicated his main desire is to work as a counselor in Recovery Counseling and Violence Intervention. As a second choice, he would seek employment in the Mill and Cabinet area. He also plans on writing articles and books.

V. USINS STATUS: Hernandez is a U.S. citizen, having been born in California.

### VI. SUMMARY

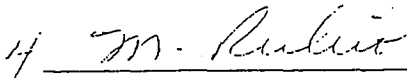
- A. Considering the commitment offense, prior juvenile history, and prison behavior, drugs seemed to have played a significant part in the mistakes Hernandez made in his life. If Hernandez were able to obtain & utilize the help needed through Narcotics Anonymous & other group therapy he would probably present minimal risk to the public at this time, if released from prison.



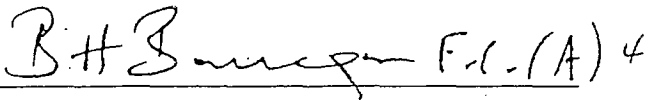
- B. Prior to release this Hernandez could benefit from continued self-help programs or individual therapy and completion of another vocational Trade, and continued disciplinary-free behavior.
- C. This Board Report was based on a one hour interview with the inmate and a thorough two hour review of his Central File. Hernandez reviewed his file on 4/2/99, and signed a 128-B to indicate his file review. That chrono has been placed into the general chrono section of his file.



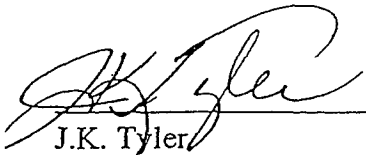
P. Miner  
Correctional Counselor I



B. Barragan  
Correctional Counselor II



J.L. Clancy  
Facility Captain



J.K. Tyler  
Classification and Parole Representative

BOARD OF PRISON TERMS

STATE OF CALIFORNIA


## LIFE PRISONER: POSTCONVICTION PROGRESS REPORT

- ☐ DOCUMENTATION HEARING
- ☒ PAROLE CONSIDERATION HEARING
- ☐ PROGRESS HEARING

## INSTRUCTIONS

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, i.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
07/97 to 07/98			<p><b>PLACEMENT:</b> Remained housed at the Correctional Training Facility.</p> <p><b>CUSTODY:</b> Remained Medium A</p> <p><b>CLASSIFICATION SCORE:</b> Remained 0</p> <p><b>ACADEMIC:</b> None this period.</p> <p><b>WORK:</b> Hernandez was assigned to Textiles. He received Work Supervisor Reports dated 11/25/97, 3/1/98 and 6/1/98 with satisfactory to above average grades.</p> <p><b>VOCATION:</b> None this period.</p> <p><b>GROUP ACTIVITIES:</b> None this period.</p> <p><b>PSYCH TREATMENT:</b> None</p> <p><b>PRISON BEHAVIOR:</b> Hernandez remained disciplinary-free.</p>
CORRECTIONAL COUNSELOR'S SIGNATURE			DATE
 Hernandez, Hector			5/12/99 07/99
D-33689		CTF	

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

## CONTINUATION SHEET: LIFE PRISONER : POSTCONVICTION PROGRESS REPORT

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
07/98 to Present			<p><b>PLACEMENT:</b> Remained housed at the Correctional Training Facility</p> <p><b>CUSTODY:</b> Remained Medium A</p> <p><b>CLASSIFICATION SCORE:</b> Remained 0</p> <p><b>ACADEMIC:</b> Was assigned to Education on 10/15/98 and remains in school. One Education Progress Report dated 12/31/98 indicates above average progress.</p> <p><b>WORK:</b> None</p> <p><b>VOCATION:</b> None</p> <p><b>GROUP ACTIVITIES:</b> Hernandez received a 128-B indicating participation in Narcotics Anonymous from November 1998 through January 1999.</p> <p><b>PSYCH TREATMENT:</b> None</p> <p><b>PRISON BEHAVIOR:</b> Hernandez received one CDC 115 this period on 2/10/99 for having his hair longer than three inches. He was found guilty and assessed 20 hour extra duty.</p>

## ORDER:

- |                          |                      |         |                          |                                   |
|--------------------------|----------------------|---------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | BPT date advanced by | months. | <input type="checkbox"/> | BPT date affirmed without change. |
| <input type="checkbox"/> | PBR date advanced by | months. | <input type="checkbox"/> | PBR date affirmed without change. |

## SPECIAL CONDITIONS OF PAROLE:

- ☐ Previously imposed conditions affirmed.
- ☐ Add or modify

- ☐ Schedule for Progress Hearing on appropriate institutional calendar

Hernandez, Hector

D-33689

CTF

07/99

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

**EXHIBIT "11"**

**LIFE PRISONER EVALUATION  
SUBSEQUENT PAROLE CONSIDERATION  
HEARING FOR WEEK OF JULY 21, 1997**

INMATE:   HERNANDEZ, HECTOR  
CDC#       D-33689

I.       COMMITMENT FACTORS:

- A.   Life Crime:   Murder 2nd (PC 187) with the use of a firearm (PC 12022.5), Case #FRE336275-3. Sentence: 15 years to Life. MEPD 4-5-96, Victim: Silvestre Bustos, age 23 years.
- B.   Prisoner's Version:   Remained the same as stated in the previous hearing.
- C.   Aggravating Circumstances and Mitigating Circumstances:   Remains the same as in the previous hearing.

II.       PRE-CONVICTION FACTORS:   Documents from the previous hearing have been considered and the information remains valid.

III.       POST-CONVICTION FACTORS:   Documents from the previous hearing have been considered and the information remains valid. During the period of time since the last hearing, the prisoner's behavior remained consistently positive. He remained disciplinary-free and committed himself to making major changes in his life vocationally and personally as evidenced by his numerous laudatory chronos, appreciation letters, and self-help program certificates. See attached Post-Conviction Progress Report for details.

IV.       FUTURE PLANS:   Remain the same as indicated in the previous Board report. He stated he has contact with a chaplain in Fresno who will guide him into getting settled in a spiritual environment, where he can be of service to humanity and help himself start a brand new life. He said, he believes in doing good, not trying to look good or sound good.

LIFE PRISONER EVALUATION  
INITIAL PAROLE CONSIDERATION  
HEARING FOR WEEK OF  
PAGE 2

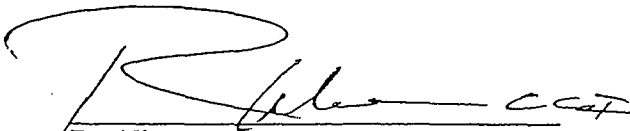
V. SUMMARY:

- A. Considering the commitment offense, prior record and prison adjustment, the writer believes the prisoner would probably pose a low to moderate degree of threat to the public at this time, if released from prison.
- B. Prior to release, the prisoner could benefit from maintaining a disciplinary-free record, participating in a work assignment, completing trade training and participating in self-help therapy program.
- C. This Board report is based upon 1-hour of interview, incidental contact in housing unit, and review of Central File.

Prepared by:



S. Vilano  
Correctional Counselor I



R. Allen  
Correctional Counselor II

LIFE PRISONER: POSTCONVICTION PROGRESS REPORT

- ☐ DOCUMENTATION HEARING  
☒ PAROLE CONSIDERATION HEARING  
☐ PROGRESS HEARING

INSTRUCTIONS

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT.

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, i.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
1-15-95 TO 1-14-96			He remained at NKSP-III under Med A Custody, assigned as Vocational Mill & Cabinet Teacher's Aide on 12-21-95 from clerk position since 12-14-94 with above average supervisor's work reports. On 1-15-95, he received a laudatory chrono from the chaplain for his active participation in self-improvement programs offered by the chapel in areas of morals, ethics and values. He is lauded for having made some major changes in his life regarding his personal conduct and his understanding of personal responsibility of actions and how they affect others. He remained disciplinary-free. There are no medical or psych concerns.
1-15-96 TO 1-14-97			He remained at NKSP-III under Med A Custody as Vocational Mill & Cabinet Teacher's Aide with good reports. On 1-19-95 his housing C/O Lauded him for being disciplinary-free and for his respectful demeanor towards staff. On 6-26-96, he received a certificate of appreciation for excellent leadership in the Narcotics Anonymous Men with Second Chances Program. On 7-2-96, he received a laudatory chrono from his vocational Mill and Cabinet instructor for excellent performance as his Teacher's Aide. On 11-22-96 he again received a laudatory chrono from the Education Supervisor congratulating him for his commitment and significant contribution to the Laubach & Literacy Thinking Lifeskills Self-help Program as tutor, and for completion of 40-hour instruction in the development of Cognitive Skills as well as Pro-social traits of personality. The NKSP Literacy Council Tutors won the 1996 California Literacy Award. He remained disciplinary-free and there are no medical or psych concerns.

CORRECTIONAL COUNSELOR SIGNATURE

*SA Villaro*

DATE

5-14-97

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING DATE
HERNANDEZ, HECTOR	D-33689	NKSP	MAY/1997	JULY 21, 1997



BOARD OF PRISON TERMS

STATE OF CALIFORNIA

## CONTINUATION SHEET: LIFE PRISONER: POSTCONVICTION PROGRESS REPORT

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
1-15-97 TO 5-14-97			He remained at NKSP under a Medium A Custody assigned as Vocational Mill & Cabinet Teacher's Aide with good reports. On 2-9-97, he completed a 40-hour course in Character Development through the Mind Transformation Self-Help Program based on scriptures to strengthen his pro-social traits of personality. On 2-11-97, he was lauded for being an asset to the NKSP Laubach Literacy Program as a tutor for the past 13 months. On 2-13-97 the NKSP Artist Facilitator lauded him for participating in the Arts-In-Corrections Program. He was commended for being a great asset in the Creative Writing class and highly employable as an artist. On 2-24-97, the Academic Instructor lauded him for exemplary attitude and performance while he was a student and tutor of the Adult School Voluntary Drug Relapse Prevention Program. In the Miscellaneous Section of his C-file there are numerous completion certificates of self-help programs, such as Alcoholic Anonymous, Narcotics Anonymous, Amer-I-Can Program, Literary Thinking Lifeskills, GED, appreciation letters by staff and inmates and letters of support from friends and family. He remained disciplinary-free and has no medical or psych concerns.

## ORDER:

- ☐ BPT date advanced by \_\_\_\_\_ months. ☐ BPT date affirmed without change.  
☐ PBR date advanced by \_\_\_\_\_ months. ☐ PBR date affirmed without change.

## SPECIAL CONDITIONS OF PAROLE:

- ☐ Previously imposed conditions affirmed.  
☐ Add or modify \_\_\_\_\_  
☐ Schedule for Progress Hearing on appropriate institutional calendar.

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING DATE
HERNANDEZ, HECTOR	D-33689	NKSP	MAT/1997	JULY 21, 1997

**EXHIBIT "12"**

LIFE PRISONER EVALUATION  
 INITIAL PAROLE CONSIDERATION  
 HEARING FOR WEEK OF  
 PAGE 1

LIFE PRISONER EVALUATION  
 INITIAL PAROLE CONSIDERATION  
 HEARING FOR WEEK OF MAY 22, 1995

I. COMMITMENT FACTORS:

- A. Life Crime: Murder 2nd (P187) case# FRE 336275-3 with use of a firearm (P12022.5). He was sentenced to 15 years to life with a MEPD of 4-05-96. Victim: Silvestere Bustos, age unknown.

1. Offense Summary: On August 15, 1985 at approximately 3:56 a.m. Officer F. Lopez was dispatched to 2448 South Eleventh #4 Calwa, regarding an injured person. Upon arrival Officer Lopez met four mexican males and one female standing outside the residence. Upon entering the living room of the residence, the Officer observed a mexican male subject lying on the floor with a large pool of blood under the chest and face area. The victim was pronounced dead at the scene. The victim was identified as Silvestere Odulio Bustos. Subsequent investigation determined that the victim had been shot at close range by a shotgun. The officers made contact with several witnesses to the crime, one of whom was Enrique Casias ( a roommate of the victim). He testified that at 3:00 a.m. on Aug. 15, 1985 there was a knock on the door at which time he (Casias) observed Hernandez standing there. Hernandez asked Casias if he had some (Heroin) then gave him \$20.00. Casias said he told Hernandez let me see if my friend has some referring to victim Bustos. Casias was getting "pieces" from Bustos boots when Hernandez kicked open the door and entered the residence with a shotgun and stated " Give me the gun and give me the "chiva"." which means Heroin. According to Casias, as soon as Hernandez said "Give me the gun" Hernandez shot Bustos. The P.O.R. indicates other witnesses were interviewed and their statements correlated with Casias statement, they also relayed in part, that Hernandez had been to the residence on numerous occasions to purchase drugs and one day prior to the incident, had been in an argument with the victim about money. Hernandez was convicted of the crime, by jury trial on May 13, 1986.
2. Prisoner's Version: Inmate states its too difficult to try and understand what happened on the date of the offense. It's really tough on him to think about it. "it's too much." He states that he's

LIFE PRISONER EVALUATION  
 INITIAL PAROLE CONSIDERATION  
 HEARING FOR WEEK OF  
 PAGE 2

tried to do everything possible to avoid being back in that position, by changing the type of people he's around, and avoiding drugs and any negative influences.

"S" states what he did was wrong and that he deserved what he has received (Time). But "I want a good life and I want to help my children and I want my freedom."

Hernandez states that he doesn't feel that keeping him locked up any longer will benefit him any more nor does he feel if let out that he would be a risk to society. Hernandez appeared sincere in his statements. He maintained eye contact throughout interview, and seemed genuine in his remorse.

3. Aggravating Circumstances:

1. Victim was particularly vulnerable, in that the Defendant shot him while he was lying down on the couch.
2. The planning, sophistication and professionalism with which the crime was carried out indicated premeditation.
3. The Defendant was engaged in a pattern of violent conduct.
4. The Defendants prior convictions as an adult and juvenile commissions of crime were increasingly serious in nature..
5. The Defendant has served prior prison terms.
6. The Defendant was on probation when he committed the instant offense.
7. The Defendants prior performance on probation and parole was unsatisfactory.

4. Mitigating Circumstances:

1. No mitigating factors found under Rule 423 a.
2. Under Rule 423B it is noted that the Defendant was suffering from a mental or physical condition that significantly reduced his culpability for the crime due to his stated use of heroin one day prior to the commission of the crime.

LIFE PRISONER EVALUATION  
 INITIAL PAROLE CONSIDERATION  
 HEARING FOR WEEK OF  
 PAGE 3

B. Multiple Crimes: None

II. PRE-CONVICTION FACTORS:

Juvenile Record: POR pgs 5,6,7,8, & 9

	CRIME	DISPOSITION
7-31-70	Burglarized Doctors Office in Fresno, Removed \$80.00 cash	Placed on informal probation
10-05-70	Burglary - Entered a residence, removed 9 different types of weapons, a polaroid camera, and a radio.	Placed on probation without wardship Until 5-23-71. Dismissed 5-19-71.
4-22-71	Burglary-"S" entered Mission Baptist Church and removed \$10.50.	Probation ordered; then released to parents.
9-23-71	Petty Theft "S" and accomplice stole \$190.00 from Luallen's 76 Service Station.	Remain ward of the court, pay restitution, work program Sanger P.D.
6-29-72	Burglary	Commit to Youth Center; detain Juvenile Hall pending transfer.
7-18-72	Defendant and accomplice were found inside the closed business of Padillas Market	Remain ward of Court on probation. Commit to youth center suspended.
11-16-72	Burglary	Comm. to youth center detain Juv. hall pending TX.
11-28-73	Burglary	Remain ward of court. commit c.k. Wakefield School detain Juvenile hall not to exceed 180 days.

LIFE PRISONER EVALUATION  
INITIAL PAROLE CONSIDERATION  
HEARING FOR WEEK OF  
PAGE 4

11-6-74	Joyriding-carry conc. WPN.	Detained juvenile hall.
12-3-74	Take vehicle w/o owners consent F/A	Committed to CYA
11-13-75	Armed robbery Resisting officer	Count one dismissed; Def. juv.
12-30-75	Armed robbery, Asslt with deadly WPN	Recommit to CYA detained juv hall pend tx.
3-12-78	P245A Asslt w/DWPN	<del>P.D. Sanger 4yr-Bp</del> 364 ds w/credit 57 ds.
3-13-78	H&S Poss CS Heroin Poss	CYA
3-14-79	Poss cont sub H&S 11350	CYA 12-17-79 Paroled Discharged 2-16-82
10-6-81	(1) Acc Aft fact (2) Conc pers frm	PC both counts 179 ds ea. CT. serv. consec.
2-22-82	(1) A-cc Aft fact (2) Conc pes frm	Latuna Fed CTR 7-23-82 Rel. Exp in Sanger, CA
10-26-84	H&S 11350 (A) and enforce PC 148 resist	2 yrs FF. 180 ds exc. 90 in 31 ds cred DWI no A/C 110 fn.

Adult Convictions: CVC 23152A CVC 14601, Misdemeanors only

C. Personal Factors:

Prisoner Hernandez was born on 2-28-59 in Fresno Calif. to Guadalupe & Delores. He is one of 8 children. The father is a Machinist and the mother is employed by the Barr Packing Shed. One of the Prisoners brothers, Guadalupe Jr. is currently incarcerated at CTF on a charge of murder. Prisoner states one other brother is in prison for a possession charge, and that his sister had a brief run in with the law but has since turned her life around. Hernandez completed the 10th grade at Sanger High School in 1975 and obtained his GED in Federal Prison, Recent TABE scores

LIFE PRISONER EVALUATION  
 INITIAL PAROLE CONSIDERATION  
 HEARING FOR WEEK OF  
 PAGE 5

reflect a GPL; of 12 + 9. "S" received Vocational Training at Valley Technical and Trade School in Fresno in 1980 & 1981 in Welding, Also obtained skills in machine operation while incarcerated at CTF-Central. The POR indicates no Military Service. Hernandez is pending divorce from Genie Ramirez; from this union three girls and one boy were born. Hernandez states he grew up in a home with very little love he states his mother was "morbid" and his father "hardworking but unaffectionate".

III. POST CONVICTION FACTORS:

For program behavior observation please review attached post conviction report. Overall Institutional behavior "Ideal Programmer" "S" has remained Disciplinary Free since 10-10-92 There are two 115's for stealing state food which were reduced to administrative. And one serious 115 noted for possession of blade dated 12-18-91.

IV.

live

FUTURE PLANS: Hernandez states that upon initial release he would reside with parents in Sanger. Until he could find work, then he would find a place to of his own, surrounding himself with positive people to help maintain a positive stride. "S" states he will do any kind of work if he was unable to put his welding skills to use, including Agricultural Labor as he says "I have lots of experience in". He says he has faith in God and believes he will be fine. He said that it is a goal for him to do volunteer work for the community maybe through a local church, most importantly Hernandez stated he no longer wanted to be around people using drugs or any other negative type people, and that he would attend other self help programs.

V.

SUMMARY:

A. Considering the commitment offense, prior juvenile history, and prison behavior, this writer believes what is evident, that drugs seemed to have played a significant part in the mistakes Hernandez made in his life. And that if Hernandez were able to obtain & utilize the help needed through Narcotics Anonymous & other group therapy he would probably present minimal risk to the public at this time., if released from prison.

B. Prior to release this prisoner could benefit from continued self help programs or individual therapy and completion of another Vocational Trade. (He is currently assigned to Vocational Mill & Cabinet), and continued disciplinary free behavior.



LIFE PRISONER EVALUATION  
INITIAL PAROLE CONSIDERATION  
HEARING FOR WEEK OF  
PAGE 6

- C. This Report is based on a 1 hour interview, c-file, and contact with work supervisors, correctional officers in the housing unit as well as my own observation of him while assigned as "A" Facility Sergeant. And as his assigned counselor.

Prepared by:



R. Walker  
Correctional Counselor I



J. Steed  
Correctional Counselor II



BOARD OF PRISON TERMS

STATE OF CALIFORNIA

## LIFE PRISONER: POSTCONVICTION PROGRESS REPORT

- ☐ DOCUMENTATION HEARING
- ☒ PAROLE CONSIDERATION HEARING
- ☐ PROGRESS HEARING

## INSTRUCTIONS

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT.

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, i.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
10/92  To  10/93			<p><b>PLACEMENT:</b> CTF-III, on 4-22-93 Hernandez was transferred to NKSP. <b>CUSTODY:</b> Med A. <b>VOCATIONAL TRAINING:</b> on 10-22-93. "S" was assigned to Vocational Mill + Cabinet and has received a laudatory chrono indicating above average performance. <b>ACADEMICS:</b> TABE test results of 3-29-93 indicate a GPL of 12.9 + "S" passed the GED test on July 7, 1992. <b>WORK RECORD:</b> Assigned to Yard Crew Facility A. <b>GROUP ACTIVITIES:</b> Active Participant Alcoholics Anonymous since 8-16-89. "S" participated in a children's walk-a-thon refer to 128B date April 1993. No other group activities noted. <b>PSYCH TREATMENT:</b> NONE. <b>PRISON BEHAVIOR:</b> Two administrative 115's noted for stealing state food.</p>
10/93  To  10/94			<p><b>PLACEMENT:</b> NKSP. <b>CUSTODY:</b> Med A. <b>VOCATIONAL TRAINING:</b> Assigned to Voc Mill &amp; Cab from 10-23-93 to 12-14-94. <b>ACADEMICS:</b> No educational upgrading noted. <b>WORK RECORD:</b> See vocational. <b>GROUP ACTIVITIES:</b> None. <b>PSYCH TREATMENT:</b> None. <b>PRISON BEHAVIOR:</b> No adverse documentation this review. <b>OTHER:</b> Laudatory chrono dated 7-7-94.</p>
10/94  To  Present			<p><b>PLACEMENT:</b> NKSP. <b>CUSTODY:</b> Assigned. <b>VOCATIONAL TRAINING:</b> None. <b>WORK RECORD:</b> Assigned to vocational mill + cabinet as clerk since 12-15-94. <b>GROUP ACTIVITIES:</b> None attended this review. <b>PSYCH TREATMENT:</b> None. <b>PRISON BEHAVIOR:</b> No. <b>OTHER:</b> None.</p>

CORRECTIONAL COUNSELOR SIGNATURE

DATE

NAME

CDC NUMBER

INSTITUTION

CALENDAR

HEARING DATE

HERNANDEZ, Hector

D33689

NKSP

1/95

5/26/95

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

## LIFE PRISONER: POSTCONVICTION PROGRESS REPORT

- ☒ DOCUMENTATION HEARING
- ☐ PAROLE CONSIDERATION HEARING
- ☐ PROGRESS HEARING

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POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
10-89 TO 10-90			Remained at CTF-Central general population with Close B custody, Work Group/Privilege A1/A, assigned to Textiles and classification score of 44 points. On 1-22-90, Hernandez appeared before Institutional Classification Committee for a Custody Reduction Review to Medium A custody. On 4-3-90, Hernandez was un-assigned from his Textiles assignment non-adverse, continue his Work Group/Privilege Group A1A and placed on the Boiler Room Waiting List. On 5-1-90, Hernandez was assigned to the Boiler Room. Hernandez appeared before Unit Classification Committee for a Annual Review on 9-6-90, his classification score was adjusted to 32, with a Grade Placement Level of 9.0. Remained disciplinary free during this period.
10-90 TO 10-91			Remained at CTF-Central general population with Medium A custody, Work Group/Privilege Group A1A, assigned to Boiler Room and classification score of 32 points. On 11-18-90, Hernandez received a CDC Administrative Disciplinary Report for Disrespect Towards Staff. Hernandez received a CDC 128-B dated 2-22-91 noting his involvement and participation in the Alcoholics Anonymous program. On 8-1-91, Hernandez appeared before Unit Classification Committee for a Annual Review, classification score adjusted to 24 points. Hernandez was unassigned on 9-3-91 non-adverse from his Boiler Room assignment.
10-91 TO			Remained at CTF-Central general population with Medium A custody. Work Group/Privilege Group A1/A, non-adverse unassigned. Hernandez was assigned to the Lunch Box Crew on 10-19-91. On 12-13-91, Hernandez tested for his Grade Placement Level with 12.9 results.
CORRECTIONAL COUNSELOR SIGNATURE			DATE
<i>R. [Signature]</i> CCI			12-3-92

NAME HERNANDEZ, H. CDC NUMBER D-33689 INSTITUTION CTF CALENDAR 12/92 HEARING DATE

## CONTINUATION SHEET: LIFE PRISON POSTCONVICTION PROGRESS AT

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
PRESENT			Hernandez appeared before Unit Classification Committee for a Annual Review, his classification score was adjusted to 30 points. On 12-18-91, Hernandez received two (2) serious CDC 115 Disciplinary Reports for Possession of Utility Knife Blade and Possession of Inmate Manufactured Alcohol. Hernandez appeared before Unit Classification Committee on 1-15-92 to confirm the above mention CDC 115's, classification score was adjusted to 36 points. On 9-2-92, Hernandez received an CDC Administrative Disciplinary Report for Stealing State Food. Hernandez appeared before Unit Classification Committee for an Annual Review on 7-23-92, classification score was adjusted to 30 points. On 9-10-92 Hernandez received an Administrative Disciplinary Report for Lending Personal Property. Hernandez received an Administrative Disciplinary Report on 10-10-92 for Stealing State Food and on 10-22-92 he was removed from his Lunch Box Crew assignment. The un-assignment was adverse therefore his Work Group/Privilege Group changed to A2/B.

## ORDER:

☐ BPT date advanced by \_\_\_\_\_ months ☐ BPT date affirmed without change \_\_\_\_\_  
☐ PBR date advanced by \_\_\_\_\_ months ☐ PBR date affirmed without change \_\_\_\_\_

## SPECIAL CONDITIONS OF PAROLE:

☐ Previously imposed conditions affirmed.  
☐ Add or modify \_\_\_\_\_  
☐ Schedule for Progress Hearing on appropriate institutional calendar.

NAME HERNANDEZ, H. CDC NUMBER D-33689 INSTITUTION CTF CALENDAR 12/92 HEARING DATE

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

## LIFE PRISONER: POSTCONVICTION PROGRESS REPORT

- ☒ DOCUMENTATION HEARING  
☐ PAROLE CONSIDERATION HEARING  
☐ PROGRESS HEARING

## INSTRUCTIONS

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TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, i.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
7-86 to 7-87			Hernandez was received CDC on 7-7-86 and housed at NRC-CMF. Transferred and received at Folsom prison on 7-29-86. He was further CSR endorsed for CTF as a good behavior override with a clean disciplinary record. On 10-7-86, he was received at CTF-C for level III override placement, he was established custody as Clo B, work group A2B, and placed on Industries (textiles) and Support Services waiting list. 11-7-86, assigned to textiles as a machine operator and remained on assignment with average and above average work performance reports. Remained disciplinary free. No medical or psych problems noted.
7-87 to 7-88			Remained housed at CTF-C mainline, continues with Clo B status and continues assigned to textiles with average and above average work performance report, 3-1-88, he is promoted to a leadman position and continues to earn good supervisor reports with average to above average, demonstrates good team work and out puts very good. Continues disciplinary free. No medical or psychiatric problems noted.
7-88 to present			Remains housed at CTF-C mainline as Clo B custody. Continues assigned as leadman on the textiles program with average to above average supervisory reports. 1-26-89, he was transferred to CMC-E as a medical and return awaiting treatment for Pilonidal Cystitis. 4-12-89, he transferred and returned to CTF-C from CMC-E as medical return. Continued with Clo B custody, placed back on textiles as leadman. Supervisory reports indicate at this time "S" shows little interest in job assignment. On 4-14-89 "S" is non-adverse unassigned. On 4-29-89 he is reassigned to the textiles program and has continued with such. "S" has remained disciplinary free since his reception date and there are no medical or
CORRECTIONAL COUNSELOR SIGNATURE			DATE
<i>M. McCarroll CSR</i>			10-19-89

NAME CDC NUMBER INSTITUTION CALENDAR HEARING DATE

HERNANDEZ

D33689

CTF

12/89



**EXHIBIT "13"**

Becoming a writer is one of my best ambitions for as long as I can remember. Aside from numerous letters, I started writing poetry and prose which could be of inspirational use. Here is one excerpt titled "Peace and Tranquility":

With myself, my fellow man, Mother nature, God  
Almighty, the Universe.  
When I leave this body, I want to know I've left this  
world just as it was, if not better.  
Bury this body soon, just please don't defile it with  
odd kinds of chemicals.  
A plain pine box would be fine thank you.

Ashes to ashes, dust to dust, so that my flesh and  
blood can go back into the ground;  
Fertilizing the land, as Mother Nature would so wish  
and desire,  
Perhaps to the mountains and valleys where the eagles  
soar and horses run free,  
And my spirit to God.

Peace and tranquility to all.

Hector Hernandez  
1993

In 1996, while in North Kern State Prison attending a Narcotics Anonymous meeting, the Community Resource manager visited the group and requested anyone willing and able to write something for an upcoming event called a "Drug Free America" starting with the youth of today. Here is my contribution:

To the young and full of life, who are still growing and learning, with a chance at a great future just waiting for you to make it happen:

This is a message and or warning, in order to spare you much grief. Believe me, I know. Sad part about it is I learned the hard way. What's even worse of the whole matter, is that other young one's (my kids) are suffering because of my ignorance and wrong choices.

But it's cool, as long as you (and my kids) will not have to make the same mistakes I did. Then my mistakes in life will not be a total loss.

Please believe me and let me explain, so that you can save yourself (and others too, like maybe your own kids) from lots of needless suffering.

You see, I'm writing this from prison, and have been locked



up for ten years straight. And I don't know when I'll get another chance in the free world.

No doubt about it, we will all have some tough times. But unless you hang in there and learn the lessons right there and then, becoming mature and a better person, well, then the same problems or trouble will come back to haunt you.

Yeah, o.k., you've got it really tough. I had it rough too. How rough? Well, just take my word, it was rough. I was hurting, seemed like right down to my soul. Real sad, then real mad. So I made lots of wrong choices, thinking it was the easy way, and that nobody cared anyway, so I may as well have some kind of fun. So I smoked weed, drank booze, sniffed glue, dropped pills and tried just about any drug I could get, ending up addicted to heroin. Besides that, one thing led to another, cruising, hot-rodding, low-riding, then pure hell and war. That's right, hell. At first it may look cool. Maybe it seems like an honorable thing to do. Taking the law into your own hands and defending something or someone.

Anyway, all those wrong choices only made things worse. The drugs tore up my brains and body, and in addition, the warring left my heart cold and lonely.

I must say, it was only by God a miracle that I'm still living. Yet it does not mean everything is alright now. Those wrong choices still haunt me. And now I want to make the right choices to make everything alright. But it's even tougher now. And I'm still stuck in prison.

Some people talk bad about this country of ours, but that only discourages others, especially the young ones. The truth is this is still a great country, if not the greatest. And we should take care of it, starting with ourselves.

There are people who care. The rest is up to you. Drugs and gangs are no joke and nothing nice. But life is good and it's cool to have fun.

Be happy and good luck.  
God bless you, God bless America.

Hector Hernandez  
1996

In addition, as a foot note, I would like to say, this is not meant for publication. I am rewriting this as I wrote it at that time. I realize it could use revising, but is only meant to show my endeavours and the progress made. If and when I were to ever use these writings for inspiration to the youth and to the public, I would first



get the counsel of experienced and qualified persons.

The following piece was written on March 13, 1997, while attending a creative writing class in North Kern State Prison with writer/instructor Deborah Tobola.

The assignment topic was titled, "Does Disorder in Consciousness Ever Bother You?"

Psychological disorder is a thief robbing me of the memories of days and nights that I've lived.

But then again, as my consciouness settles into order, was it not a request of mine that I could forget all those dark days, put it all behind me, and live life anew?

And what of those days-events and experiences, can they ever really be done away with as if it never happened? I think not. It is me, a part of me, leading up to who I now am. In spite of consciousness being fogged in disorder.

And this life wish, "Oh, if only I could do it all over," would'nt it actually be growth in reverse, equaling it all a waste? Why not take the bad along with the good and letting all come to something greater?

Hector Hernandez  
1997

While attending a writing class at CTF, Soledad, with writer/instructor Dan Bessie, through the Arts in Corrections program, Jack Bowers, Facilitator, requested contributions for the "Day of the Dead" display. This was my submission:

Dia De Los Muertos  
(Otherwise known as the Day of the Dead)

Day of the Dead is as much for the living as it is for the dead.

Saying, Hey you, living dead, what are you waiting for?  
Death?

What's that you say, live fast, die young, and have a good looking corpse?

Yeah, yeah, yeah.

But then why live in the first place. Why not live life to its fullest. Look back at the great people who have gone on before you. Look back and learn from all they did. After all, it is because of them that we live today. Then maybe

in the future, the young and full of life, with the future at their command, can look back and take encouragement and wisdom from the life you lived.

So live life to the fullest, in balance and harmony with nature and the supernatural.

Hector Hernandez  
1998

In another writing class at Soledad, with writer/instructor Claire Braz-Valentine, Jack Bowers was putting on a show presenting and displaying the ongoing programs of Arts in Corrections. He asked me to Co-MC. Here's what I wrote:

May I have your attention please, Attention Please.  
On behalf of the writers, artists, painters and musicians, I welcome every one of you to the 1999 Spring Arts Fest.

CTF, Soledad, Arts in Corrections presents a presentation of intellectually inspiring prose and poetry, soulful sounds of jazz, and a display of unique styles of art.

All of this is made possible in great part by our artist/facilitator Jack Bowers, writer/instructor Claire Braz-Valentine, artist/instructor Jennie Brubaker, and Community Resource Manager, Jerry Smith.  
Much thanks to them.

I was asked to say a few words on how the Arts Program has been of benefit to me. But I wasn't told what to say.

Whether everyone realizes it or not these arts are a great for of empowerment. And come on, we all know being locked up is oppressive.

But through the arts, one takes control of your own existence. You can create, play sounds, maybe a brand new tune, or create beauty by painting and drawing, be interesting, inspiring, healing, etc., etc.

As for me, writing has allowed me to be of service and makes me feel useful. I write, bless, share, console, encourage, entertain and break the loneliness, express concern and share kindness. All of which has added purpose and meaning to life. It's very therapeutic. That's the empowerment I mentioned.

So if you too are serious about enhancing the quality of your life, you might want to consider the arts. Just know this, it will also require dedication and hard work.  
But for now, relax and enjoy.

Hector Hernandez, 1999

In 2000, I was approached by one of the faculty and asked to write for the graduation ceremony. Here's the piece I composed:

Ladies and Gentlemen, Distinguished Guests of Honor and fellow students:

Here we are on this occasion to celebrate and honor your graduation. We will be celebrating achievements acquired in the face of overwhelming adversities and finding or making the light when all seemed dark.

Also taking the negatives and turning it into positives, or getting the failures and making a success out of it. Before going any further, may I say we are all works in progress.

I happen to be a lifer, only one of many who seem to be locked into this hopelessness. Yet here's one for you: WE ARE ALL LIFERS. Hopefully doing our best and making the choices that will allow things in life to work out for the best for all concerned.

This here contribution was a struggle, just as I am sure making it to graduation was a struggle for you too. Questions within arise such as: Why should I? What's my motivation? and Where's the incentive?

Even the educators, such as Mrs. Barnes, Mr. Kingston, Mr. Crowther, and Mr. Mack, just to name a few, have labored on and on in their endeavours of educating us. And all that way before the Governor of our state committed to giving educators the recognition and compensation they richly deserve.

And coming back to school as an adult, in itself is not easy. Especially when coming to prison was a failure already. Yet while locked up, you've chosen the freedom to get educated, and have succeeded. You've taken a negative, turned it around, and made something positive out of it.

So on this occasion for joyous celebration of your graduation, may this be a lifelong lesson for the next time you come to those dark days, that we all have, like seasons they will come and they will go. Just tell yourself, I made it then, I can make it again.

Congratulations

Hector Hernandez  
2000

In contribution to a publication that writer/facilitator Annie Steinhart was putting together, and with some inspiration from the Vocational Print Shop Instructor, Sally

Mapes, I wrote the following:

Become a Good Writer

Sit in the sight of the bright sunlight,  
Don't hesitate, just meditate and contemplate.  
Above all, have no hate,  
For this is the day to speculate.  
From your soul the words will flow,  
All is right and your future is bright,  
That all may delight as you write.

LETTER OF COMMENDATION

DATE: February 19, 2003

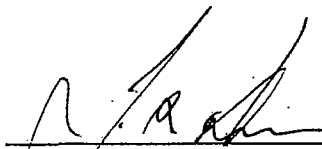
FOR: Hernandez, Hector  
D-33689 ZW-317U

To whom it concerns,

Inmate Hernandez (D-33689) has been speaking to the Re-Entry class on a monthly basis now for a period somewhat exceeding six (6) months. He is a member of an inmate organization that calls itself "Straight From The Heart," and comes into the class with a message of concern for the paroling students. Mr. Hernandez is a "lifer," as are all of the members of "Straight From The Heart," and are concerned that others don't fall into the same lifestyle and commit the acts that will eventually lead to a life of incarceration. He and his peers speak against violence, drug abuse, and gang affiliation. This service is performed for no compensation of any kind, and is provided straight from the hearts of the participants.

Mr. Hernandez is to be commended for his efforts in this area, and would possibly be a good candidate for future employment in the area of youth/drug counseling when he is released. The service he provides for this program is invaluable and always well received by the students.

Inmate Hernandez has in no way attempted to manipulate me into writing this letter, and this has been written in earnest.



---

J.R. Hill, Instructor  
Re-Entry Program  
Correctional Training Facility

NAME and NUMBER HERNANDEZ

D-33689

FAB2 133 L

CDC-128-B (Rev. 4/74)

Inmate Hernandez D-33689 has been a regular participant in the Arts-In-Corrections Program for the past year. He has conducted himself responsibly and has been a great asset to our Creative Writing Class.

He works very well with inmates and staff and maintains a positive attitude at all times.

I feel that inmate Hernandez D-33689 is highly employable as an artist and would have no problem finding a place in society.

I would like to thank you in advance for your sincere cooperation and consideration.

DATE 2-13-97



HENRY MENDOZA  
ARTIST/FACILITATOR  
ARTS-IN-CORRECTIONS  
NORTH KERN STATE PRISON

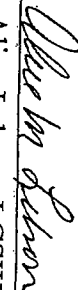
GENERAL CHRONO

NAME and NUMBER: HERNANDEZ D-33689

CDC 128-C

The above named inmate has actively participated in a weekly, (8) week course in Chemical Dependency facilitated by a Clinical Social Worker at NKSP.

DATE: August 20, 1997



Alice Lebron, LCSW

**EXHIBIT "14"**

D 33689 ED 72 Up  
PO Box 689  
Soledad, CA 93960-0689

June 15, 2005

Dear Sir,

If you could grant me a moment of your time, I am confident that I can win your support to not only help me, but help many others who need and could use my help.

I've been incarcerated since August 15, 1985, for 2nd degree murder with the use of a firearm. My minimum eligible parole date occurred on April 15, 1996. I will be appearing before the Board of Prison Terms (BPT) for my 7th hearing within the next 6 months.

My past history of crime, violence and drug addiction is very dark indeed. It is something I am able and willing to discuss a little further; yet it is something I wish to do only for the prevention and intervention of such ills.

In an effort to prove my suitability for parole, I am presenting a brief autobiography of myself to give you an idea of the kind of person I was, the person I have matured into, and how I plan to live the rest of my life.

I honestly believe I have done what it takes to heal and correct myself so that I could be a person of service to my Higher Power and others, i.e., my family, the community, and my country.

I have always wanted to live a better life. Back in 1985, right from the start of my incarceration, when I was sober and reality slapped me right in the face and opened my eyes, I knew I had to have a complete life change. Ever since then, I have endeavored to transform my life for the good. I did my very best through prayer, meditation, reading and disciplining myself. As with many others in this same situation, my greatest goal and highest quest was the search for God, and all it entails in order to live the best life possible.

In 1991, I started studying and practicing religious science of mind. Through it I gained a greater sense of inclusive spirituality. At that time, I also went back to



SUPPORT LETTER OF  
H. HERNANDEZ  
page 2.

Christianity (Protestant as well as Catholic). In 1995, I began practicing Native American spiritual purification traditions. That was also when I began participating in the new 12 step group. In 2003, I began attending Buddhist Meditation classes where I learned how to live more skillfully and the practice of Metta or loving kindness towards all.

Throughout this time, I have read numerous books, magazines, and articles dealing with issues ranging from health and fitness to healing and recovery, from self-help psychology to to religion.

Through the various writing courses offered by the Arts in Corrections program, I have collected my thoughts and wrote about my experiences. I have used these writings to reach out to others at various times, some of which I have included for your perusal.

There were some extremely difficult times filled with loneliness and despair over what my life had become. I experienced financial hardship and depravation. Yet despite those dark moments, thanks to my Higher Power, the God of my understanding, I managed to stay clear from crime, gangs, drugs, destructive or negative groups and individuals while maintaining my sobriety for the last 14 years. I also sought out new friends and a new spiritual support family in order to live a complete new way of life. Seeking to improve myself remains my greatest focus even as I continue to expand my support family.

With regard to my employment skills and experience, I have always been a self-motivated and hard worker. I have held jobs ranging from newspaper delivery, to gardening and landscaping, farm laborer, factory lines and welding. My main problem was maintaining work for extended periods of time. I have for the last 20 years focused on maintaining every job I held, developing good relations with my employers and co-workers, and to be dependable, responsible, and trustworthy.

I have enhanced my trade skills with certification in mill and cabinet work where I also worked as a teacher's assistant. I gained experience as a textiles line worker, boiler room attendant, academic tutor, relapse prevention tutor/facilitator, graphic arts, and furniture assembler.

Now I realize I could benefit from more education and training for other specified fields of work. And I am not certain of the exact work I would like to do. Nevertheless,

SUPPORT LETTER OF  
H. HERNANDEZ  
page 3.

I am sincerely dedicated to accomplishing any constructive, productive, healing and recovery endeavours.

I am just like any other American who dreams and wishes to live in peace with the freedom and opportunity to earn an honest living to provide a better life for my children and grandchildren.

Now, I know I am not perfect and will ever seek improvement. Yet who I am now in comparison to what I was, is nothing less than a miracle attributed to the Higher Power (God). I can honestly say my prayers have been answered and my life is changed.

I have also had the good fortune to receive the invaluable help of former addicts and some exceptional people who I owe a debt of gratitude to. I also served in the recovery of others by being there to share my experience, to volunteer my time to speak and participate in support groups, and to talk one-to-one when I was able to. By being of service to others, I experienced the power it has in maintaining my own sanity and sobriety, not to mention the whole new purpose and meaning of life in doing such deeds has given to my own life. I have no need to be coerced into participating in such programs and endeavours because I have a natural desire to do so, in other words, it is my life.

Ever since I began this quest for a new life, I knew I would have to do it for the right reason, basically, for God. I wasn't trying to look good or impress anyone.

But now I must present myself once again to the BPT to show that I am suitable for parole. Therefore, I am sharing my life story in order to make this humble request for a letter of support that I can present to the BPT. It is a letter stating that you would endorse my parole and assist me in the transition toward becoming a productive and valued member of the community. The support can come in the way of assistance with living arrangements, help finding a job, transportation needs, clothing, counseling, and any other way of making my return to society better for all.

I gratefully appreciate any consideration that you could provide for this request.

Sincerely,

7-6-05

*Hector Hernandez*

Hector Hernandez

**EXHIBIT "15"**

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

## LIFE PRISONER DECISION FACE SHEET

PERIOD OF CONFINEMENT

(RECORDS OFFICER USE ONLY)

YR MO DA

Adjusted Period of Confinement .....  
 Date Life Term Begins .....  
 At Large Time .....  
 PAROLE DATE .....

## MISCELLANEOUS

Panel recommendations and requests:

☐ Become ☒ Remain disciplinary free.  
☐ Work towards reducing his/her custody level.  
☐ Upgrade ☐ educationally.  
☒ Participate ☒ self-help (and) ☒ therapy.  
☐ Transfer to ☐ Cat. X ☐ Cat. T.

*Parole denied 2 years*
 PENAL CODE SECTION 3042 NOTICES ☒ SENT (Date) 2/28/95

## COMMITMENT OFFENSE

PC 187

Murder 2ND Degree

(Code Section)

(Title)

336275-3

(Case Number)

1

(Count Number)

Date Received by CDC 7-7-86	Date Life Term Begins 7-7-86	Controlling MEPD 4-5-96
Type of Hearing <input checked="" type="checkbox"/> INITIAL <input type="checkbox"/> SUBSEQUENT (Hearing No.)		If Subsequent Hearing, Date of Last Hearing

 Department Representative  
 Assistant C&PR S.A. Williams

 Counsel for Prisoner  
 None

Address

 District Attorney Representative  
 Don Penner

 County  
 Fresno

## PAROLE HEARING CALENDAR

This form and the panel's statement at the conclusion of the hearing constitute a proposed decision and order of the Board of Prison Terms. The decision becomes effective when issued following the decision review process.

By:

Presiding (Name) <i>Joe H. Piller</i>	Date <i>5/22/95</i>
Concurring (Name) <i>H. Hernandez</i>	Date <i>5/22/95</i>
Concurring (Name) <i>Don Penner</i>	Date <i>5/22/95</i>

NAME HERNANDEZ, HECTOR	CDC NUMBER D33689	INSTITUTION NKSP	CALENDAR 5/95	HEARING DATE 5/22/95
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PERMANENT ADDEI

## CALIFORNIA BOARD OF PRISON TERMS

## D E C I S I O N

PRESIDING DEPUTY COMMISSIONER PLILER: All

right, we are back on the record. Those previously here have reconvened. Mr. Hernandez, it is a unanimous decision on the part of the panel after having reviewed the information from the public and relied on the following circumstances in concluding that you are not suitable for parole, and you would pose an unreasonable risk of dangerous to others and a threat to the public if you were released from prison at this time for the following reasons:

The offense was carried out in an especially heinous, atrocious, cruel and callous manner which exhibited a callous disregard for the life and suffering of another human being. The offense was carried out in a dispassionate and calculated manner. These conclusions are drawn from the statement of facts wherein you shot and killed a victim at close range with a sawed off shotgun while conducting a drug transaction. You have a prior record of violence and assaultive behavior, exhibiting an escalating pattern of criminal conduct and violence. You have a persistent pattern of tumultuous relationships and criminal behavior which commenced at an early age. It started at a juvenile history, began at a very early

1 age, with convictions for burglary and petty thefts,  
2 concealed weapons, et cetera. You have failed  
3 previous grants at probation. You have failed to  
4 profit from society's previous attempt to correct your  
5 criminalities. Such attempts have included juvenile  
6 probation, juvenile camp, CYA commitment, county jail.  
7 You have an unstable social history and prior  
8 criminality which includes numerous juvenile arrests  
9 including burglary, petty theft, possession of a  
10 concealed firearm, drug abuse, assault with a deadly  
11 weapon, robbery, armed robbery, concealing a fugitive,  
12 finally culminating in the life crime.

13 Institutional behavior. You have failed to  
14 demonstrate evidence of positive change. Misconduct  
15 while incarcerated includes stealing State food,  
16 possession of non-expendable property, possession of  
17 manufactured alcohol, and possession of dangerous  
18 contraband.

19 The psychiatric/psychological report dated  
20 January the 9th, 1995 authored by Dr. Reed is  
21 inconclusive, indicating that you need to have a  
22 stronger and greater sense of the self help recovery  
23 programs that you are participating in because you  
24 understand neither the goals nor objectives of these  
25 various programs. Likewise, the psychological exam  
26 prepared 9/13/89 by Dr. Martin is also inconclusive